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Report of the Secretary-General on children and armed conflict in the Sudan

Summary

The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions on children and armed conflict, is the fifth report of the Secretary-General on children and armed conflict in the Sudan to be submitted to the Security Council and its Working Group on Children and Armed Conflict and the first such report since the secession of South Sudan in July 2011. Covering the period from 1 March 2011 to 31 December 2016, the report is focused on the trends and patterns of the six categories of grave violations committed against children and contains information on the perpetrators and the context in which such violations took place. The progress made by all parties to the conflict in terms of dialogue, action plans and other child protection commitments is also reviewed.

The report contains a series of recommendations aimed at ending and preventing grave violations against children and strengthening child protection in the Sudan.

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I. Introduction

1. The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 March 2011 to 31 December 2016. It is the fifth report on children and armed conflict in the Sudan to be submitted to the Security Council and its Working Group on Children and Armed Conflict and the first such report since the secession of South Sudan on 9 July 2011. The report is focused on grave violations perpetrated against children and the progress made in ending such violations, in follow-up to the recommendations contained in the previous report (S/2011/413) and to the conclusions of the Working Group (S/AC.51/2012/1). In the annexes to my annual report on children and armed conflict (S/2016/360), government security forces, pro-government militias, the Justice and Equality Movement (JEM), the Sudan Liberation Army/Minni Minawi (SLA/MM), the Sudan Liberation Army/Abdul Wahid (SLA/AW) and the Sudan People's Liberation Movement-North (SPLM-N) were listed as parties that recruit or use children. Armed groups that were no longer active had been removed from the annexes. The SLA/Free Will, JEM/Peace Wing and SLA-Peace Wing were removed in 2013 and the SLA-Historical Leadership, SLA-Mother Wing (Abu Gasim) and SLA-Unity were removed in 2014.

2. During the reporting period, the United Nations country task force on monitoring and reporting continued to document grave violations against children perpetrated by all parties to the conflict, including government security forces, namely, the Sudan Armed Forces, the police, the Central Reserve Police, the Popular Defence Forces, the Border Guards, the Rapid Support Forces and government-affiliated militias. At the beginning of the reporting period, the majority of the documented violations were attributed to the Central Reserve Police and the Popular Defence Forces. From 2014 onwards, the Sudan Armed Forces and the Rapid Support Forces became the perpetrators with the most documented violations. Violations by the armed groups that remained active, namely, JEM, SLA/AW, SLA/MM and SPLM-N, were also documented. It should be noted that, from the second half of 2015, JEM and SLA/MM were no longer militarily active in Darfur.

3. During the reporting period, the country task force faced significant constraints in effectively monitoring and reporting grave violations against children owing to the lack of access to conflict-affected areas due to insecurity, ongoing hostilities and restrictions imposed by the Government and some of the armed groups.

II. Political and security developments

4. The period under review was marked by several significant developments, including the eruption of armed conflict in Southern Kordofan and Blue Nile States, during which a new armed group, SPLM-N, emerged, the failure to resolve the status of the Abyei Area, which fuelled tensions, the creation of the Rapid Support Forces in 2013 and the launch by the Government in 2014 of Operation Decisive Summer, the aim of which was to eliminate all armed opposition groups in the Sudan. These developments affected children and resulted in grave violations against them. According to the Office for the Coordination of Humanitarian Affairs, as at December 2016, there were up to 3.2 million internally displaced persons in the Sudan, including 2.6 million in Darfur. Children made up 60 per cent of the internally displaced persons in Darfur.

5. Despite attempts to resolve outstanding issues from the Comprehensive Peace Agreement of 2005 by the time of the secession of South Sudan, several matters

remained unresolved, including border demarcation and the final status of the Abyei Area. Tensions between the Sudan and South Sudan were high in 2011 following the secession of South Sudan.

6. In that period, clashes between the Sudan Armed Forces and the Sudan People's Liberation Army (SPLA) took place across a new and ill-defined border. Cross-border military activities were frequently reported, with the two countries accusing each other of harbouring the other's armed opposition groups. In August 2013, they agreed to stop supporting armed groups operating on the other's territory. However, cross-border activities continued, and grave violations against children were committed by both Sudanese and South Sudanese parties to the conflict.

7. In June 2011, SPLM-N, initially an opposition party created by the northern cadres of the South Sudan-based Sudan People's Liberation Movement (SPLM), was banned by the Government and re-emerged as an armed group active in the Nuba mountains and southern Blue Nile State. In November 2011, SPLM-N and Darfur-based armed groups (JEM, SLA/AW and SLA/MM) formed an alliance, known as the Sudanese Revolutionary Front (SRF), with the aim of consolidating their power against the Government of the Sudan.

8. In August 2013, in preparation for the launch of Operation Decisive Summer, the Government created an auxiliary force, the Rapid Support Forces, the members of which were mostly recruited from the Rizeigat tribe, many of whom formerly belonged to the Border Guards and, to a lesser extent, the Central Reserve Police. The Rapid Support Forces took an increasing role in operations against armed groups and reportedly committed gross violations of international human rights and humanitarian law.[1] In January 2015, the Rapid Support Forces, which had been operating under the command of the National Intelligence Security Services, became part of the regular government forces through a constitutional amendment. In April 2015, the Rapid Support Forces were placed under the command of the Presidency. In January 2017, the Parliament passed the Rapid Support Forces Act, integrating those forces into the Sudan Armed Forces.

9. Operation Decisive Summer, which was launched at the end of 2013, marked a turning point in the period under review. The Sudan Armed Forces, supported by the Rapid Support Forces, launched a series of air and ground offensives, which intensified armed confrontations between government forces and armed groups. The Operation resulted in increased numbers of civilian casualties and population displacement, and coincided with an increase in grave violations against children. By 2016, government forces had retaken control of a number of areas formerly held by armed groups, particularly in Darfur.

Southern Kordofan and Blue Nile States and the Abyei Area

10. In June and September 2011, armed conflict erupted in South Kordofan and Blue Nile States (also referred to as the "Two Areas"), fuelled by unresolved issues relating to the Comprehensive Peace Agreement and the contentious elections for the governorship of Southern Kordofan State. Large areas of the Two Areas remained inaccessible to the United Nations, especially those controlled by SPLM-N. Several rounds of negotiations between SPLM-N and the Government were held throughout the reporting period, but did not yield any concrete results. Periods of political deadlock coincided with an intensification of the conflict on the ground. At the time of writing in December 2016, talks had been suspended.

[1] See United Nations High Commissioner for Human Rights, *Report on Impunity and Accountability in Darfur for 2014*.

11. During Operation Decisive Summer, the Sudan Armed Forces and the Rapid Support Forces launched air and ground offensives against areas controlled by SPLM-N, which resulted in civilian casualties, including children, displacement and the destruction of key infrastructure, such as schools, hospitals and marketplaces.

12. Coinciding with the second phase of the Operation, armed confrontations continued to escalate in the first half of 2015. In April of that year, SPLM-N launched offensives in Southern Kordofan and Blue Nile States, including the shelling of Kadugli, the capital of Southern Kordofan State, and attacks on government forces. On 20 August 2015, a unilateral two-month ceasefire was announced by the President of the Sudan who expressed readiness for a permanent cessation of hostilities. In October 2015, SRF declared a six-month ceasefire ahead of the new round of peace talks, resulting in a temporary lull in armed confrontations, which resumed in early 2016 after the collapse of the talks in November 2015. As at December 2016, unilateral ceasefires had been announced again by the two parties.

13. According to the Office for the Coordination of Humanitarian Affairs,[2] 230,000 people were internally displaced in areas controlled by the Government in Southern Kordofan and Blue Nile States as a result of the conflict. In addition, as at November 2016, 240,604 refugees from the two States were in South Sudan.[3] For those who remained in the conflict-affected areas, an estimated 160,000 children under 5 years of age did not receive routine immunizations and other health care, leaving them at risk of preventable diseases.

14. In the Abyei Area, following clashes between the Sudan Armed Forces and SPLA in May 2011, an agreement was reached between the Government of the Sudan and SPLM on temporary arrangements for the administration and security of the Abyei Area. In October 2013, the Ngok Dinka tribe organized its own referendum and voted overwhelmingly for the Abyei Area to be part of South Sudan. The outcome of the referendum was not recognized by the international community or the Governments of the Sudan and South Sudan. Meanwhile, the political impasse fuelled tensions on the ground.

Darfur

15. Despite the signing of the Doha Document for Peace in Darfur in July 2011, further efforts to secure an inclusive peace agreement for Darfur yielded limited results. The security situation deteriorated, and clashes between government forces and armed groups intensified during Operation Decisive Summer, resulting in a spike in grave violations against children. Children were also affected by an increase in intercommunal violence over land and natural resources.

16. A number of armed groups active in 2011 signed the Doha Document. However, JEM, SLA/AW and SLM/MM, which did not, remained militarily active during most of the reporting period. A political stalemate persisted between the Government and the three armed groups. Meanwhile, the security situation remained tense in Darfur with clashes between parties to the conflict and aerial bombardment by the Sudan Armed Forces.

17. The conflict escalated in 2014, coinciding with Operation Decisive Summer and the deployment of the Rapid Support Forces to Darfur, where they conducted a

[2] See Office for the Coordination of Humanitarian Affairs, *2016 Humanitarian Needs Overview: the Sudan*.

[3] See Office of the United Nations High Commissioner for Refugees, South Sudan — refugee population infographics, November 2016. Available from http://data.unhcr.org/SouthSudan/regional.php.

series of offensives against armed groups in South and North Darfur States. Attacks on civilians, the burning of villages, looting and large-scale human rights violations, including against children, were reported during that period. The first phase of the Operation left the armed groups weakened, and, by the end of 2014, the Sudan Armed Forces, supported by the Rapid Support Forces and tribal militias, controlled large portions of territory across Darfur. In the same period, JEM moved to South Sudan where it engaged in the conflict alongside SPLA. The Justice and Equality Movement reportedly suffered heavy losses at the Nikhara battle in South Darfur State in April 2015, leading the Government to announce that it had defeated the group. In May, SLA/MM also suffered heavy losses in North Darfur State. As at December 2016, JEM had completely withdrawn to South Sudan. In the second half of 2015 and in 2016, the Government focused its military efforts on dislodging SLA/AW from Jebel Marra, which caused significant new displacement.

III. Grave violations committed against children

18. With the strengthening of the legal framework and the action taken by the Government, as well as the engagement of the United Nations, significant progress has been made in improving the protection of children in the Sudan, including a decrease in the recruitment and use of children. However, the ongoing conflict in Darfur and the Two Areas continued to affect children. For example, the high numbers of documented incidents of the killing and maiming of children and sexual violence in Darfur was a grave concern.

19. Throughout the reporting period, the country task force received allegations of grave violations committed by all parties to the conflict that could not be verified owing to restrictions of movement, the lack of access to conflict-affected areas and the mobility of some of the armed groups. Data presented in the present report do not therefore represent the full impact of the conflict on children.

A. Recruitment and use of children in armed forces and groups

Southern Kordofan and Blue Nile States and the Abyei Area

20. During the reporting period, the country task force verified 230 cases of the recruitment and use of children (all boys), approximately 17 per cent of which were attributed to government forces (39 cases) and 76 per cent to armed groups (104 cases to SPLM-N, 70 to SPLA and 17 to unidentified armed elements). Over two thirds of the total figure for the recruitment and use of children was documented in the early stages of the conflict in Southern Kordofan and Blue Nile States, namely, until the end of 2013. From 2014, a decreasing trend was observed. Cross-border recruitment and use of children by SPLM-N in South Sudan and, allegedly, by SPLM/Army in Opposition (SPLM/A-IO) in the Sudan, was also documented. Information was received about the recruitment and use of children by JEM in Southern Kordofan State (see para. 27).

21. The recruitment and use of children in armed forces and groups is criminalized under Sudanese law. However, the country task force verified 39 cases of underage recruitment and use by government forces, 31 of which were attributed to the Popular Defence Forces and 8 to the Sudan Armed Forces, mostly in 2012 and 2013. For instance, in one incident involving the Sudan Armed Forces, two boys aged 13 and 14, who were recruited in October 2013, reported that they had completed military training in Blue Nile State and remained with the Sudan Armed Forces until at least the end of December 2013. The country task force could not ascertain their status thereafter. While the verified figures remained low for government forces,

additional, credible information was received regarding the recruitment and use of children by the Sudan Armed Forces and the Popular Defence Forces that could not be verified. For example, in July and August 2015, three boys were reportedly recruited by the Sudan Armed Forces in El Damazin and released after their parents intervened. In 2015, a recruitment campaign by the Sudan Armed Forces was reportedly ongoing in Blue Nile State, during which children were allegedly recruited after obtaining official documents with a falsified age.

22. The Sudan People's Liberation Movement-North was responsible for the largest number of verified cases of recruitment and use of children, namely, 104 of the 230 cases (45 per cent). Of those 104 cases, 97 were documented in the first three years of the conflict. Children were reportedly enrolled in military training and used in support functions. From 2014, the recruitment and use of children by the armed group decreased and occurred mostly in South Sudan. Indeed, 16 of the 26 children recruited in 2013 were recruited by SPLM-N in refugee settlements in Upper Nile and Unity States in South Sudan. In 2014 and 2015, child recruitment by the group was documented exclusively in Unity State, with reports received of children being forcibly recruited during a campaign in November 2014. Allegations were also received of child recruitment in the greater Upper Nile region in 2016.

23. The cross-border activities of other armed groups also reportedly involved the recruitment and use of children. For example, approximately 400 South Sudanese children were allegedly recruited by Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) from the Kharasana refugee camp, Western Kordofan State, during a mass recruitment campaign in October 2015.

24. With regard to the 70 cases attributed to SPLA, 22 were documented in 2011 before the secession of South Sudan, while 48 were documented in 2012 in the Abyei Area, where SPLA was present in contravention of the security arrangements for the Abyei Area.

Darfur

25. A total of 105 cases of the recruitment and use of children were documented in Darfur, as follows: 45 in 2011, 31 in 2012, 18 in 2013, 6 in 2014, 4 in 2015 and 1 in 2016. Approximately 90 per cent of those cases occurred between 2011 and 2013. It is important to note that, in 2014, fighting declined and that armed actors were concentrated in certain areas, such as Jebel Marra, which the country task force could not access. Furthermore, JEM and SLA/MM reportedly suffered heavy losses during Operation Decisive Summer and ceased to be active in Darfur from the second half of 2015. The decline in fighting also coincided with an upsurge in the use of children in tribal clashes fuelled by disputes over land and natural resources in 2013 and 2014. It was not always possible to attribute responsibility for such recruitment and use, and approximately one third of the total cases were perpetrated by unidentified armed men.

26. In cases in which perpetrators were identified, approximately half were committed by government forces with a total of 63 cases: 21 in 2011, 17 in 2012, 18 in 2013, 3 in 2014 and 4 in 2015. No cases were documented in 2016. Of the violations committed by government forces, 19 (approximately one third) were committed by the Border Guards between 2011 and 2013, 14 by the Popular Defence Forces and 9 by the Central Reserve Police, both of which were actively recruiting in 2011 and 2012, and 7 by the police, in 2011. With regard to the Sudan Armed Forces, the country task force verified 14 cases over the reporting period. It is believed that some of the children participated in military operations while others were used in support functions, such as guarding checkpoints. For example, in July 2015, a 17-year-old boy reported that he had joined the Sudan Armed Forces in

January 2014 and participated in the fighting between JEM-Abbas and the Sudan Armed Forces in June 2014. In August 2015, two armed boys in military uniforms were observed guarding checkpoints outside Nyala, which are usually guarded by the Sudan Armed Forces and the Rapid Support Forces. In addition, children were observed with the Sudan Armed Forces and other government forces, wearing uniforms and/or carrying guns. In 2014, an estimated 37 children were seen carrying guns in a market in Ed Daein, East Darfur State. In 2013, 12 boys wearing military uniforms were seen in vehicles of the Sudan Armed Forces in Jebel Moon, West Darfur State, during a handover ceremony from an outgoing to an incoming field commander of the Sudan Armed Forces. A number of allegations were also attributed to the Rapid Support Forces. For example, in March 2014, eyewitnesses reported the presence of boys between the ages of 15 and 17 during a parade of the Rapid Support Forces in Nyala. In August 2015, six armed boys dressed in Rapid Support Forces uniforms were observed in the market of Duma village, South Darfur State.

27. With regard to armed groups, the country task force verified 11 cases (7 in 2011, 3 in 2012 and 1 in 2016) of the recruitment and use of children, 5 of which were attributed to SLA/AW, 4 to JEM, 1 to SLA/MM and 1 to the Liberation and Justice Movement (LJM). The decrease in documented cases can be explained by insecurity and access challenges. Moreover, from late 2014, JEM and SLA/MM were less active in Darfur, and JEM moved to South Sudan, where it supported SPLA. Nevertheless, allegations of child recruitment by those groups were received. For example, in Umm Barru, North Darfur State, between February and March 2015, a mobilization campaign by SLA/MM allegedly took place, during which an alleged 246 boys were recruited and transported to a military camp. The presence of JEM in South Sudan coincided with the documentation of 61 cases of the recruitment and use of children by JEM in refugee settlements in South Sudan, of which 55 occurred in 2014 and 6 in 2015. According to the Panel of Experts on the Sudan, large-scale recruitment and use of children by JEM in South Sudan took place in 2015 (see S/2016/805). These children reportedly received military training, including in combat and handling weapons, in JEM camps in South Sudan. During a visit to the Sudan in March 2016, my Special Representative for Children and Armed Conflict was given access to 21 children who had been detained by the National Intelligence Security Services since April and August 2015 for their association with JEM. The children, who had been captured by the Rapid Support Forces in South Darfur State, were recruited by JEM in Southern Kordofan State and South Sudan and used in combat in Darfur and South Sudan. Some of them reported that they had been abducted by JEM.

28. In 2013, the country task force witnessed an upsurge in the use of children by communities for fighting in tribal clashes. For instance, in December 2013, a United Nations team conducted a field mission to Sereif, North Darfur State, and interviewed 25 boys who said that they had participated in clashes between the Beni Hussein and Abbala tribes over gold mines. The trend continued in 2014 when, for example, children were observed carrying weapons alongside tribal militias in the North Darfur State localities of Kabkabiyah, Saraf Omra and Sereif. In addition, children were also reportedly armed to serve as sentinels to guard villages and deter attacks by other tribes. Such use of children decreased from late 2014, coinciding with the engagement by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) with key tribal leaders.

B. Killing and maiming of children

Southern Kordofan and Blue Nile States and the Abyei Area

29. During the period under review, the country task force documented a total of 328 cases of killing (150) and maiming (178), the vast majority of which occurred in the course of hostilities between government forces and SPLM-N. For example, 113 children were killed and maimed in crossfire and shelling that could not be attributed to any party to the conflict. Unexploded ordnance caused 31 child casualties, resulting in the death of 12 children and the maiming of 19 others. Approximately 43 per cent of the 328 child casualties occurred in the first two years of the conflict (141 casualties in 2011 and 2012). In 2013, the number of casualties decreased, with a total of 37. Figures increased again in 2014, with 62 casualties, and 2015, with 85 casualties, followed by a significant drop in 2016, with 3 casualties. The country task force was able to document only that 68 children were killed and maimed by the Sudan Armed Forces, the Popular Defence Forces and the Central Reserve Police, and 40 by SPLM-N. For example, 60 of the 62 children killed and maimed in 2014 were victims of government shelling of areas controlled by SPLM-N. The shelling by SPLM-N of Government-held positions also claimed the lives of children. In two incidents in April 2015, six children were killed and maimed in shelling by SPLM-N in Southern Kordofan State. In addition, the killing of children in an aerial bombardment of Hayban, Southern Kordofan State, in May 2016 was reported, but could not be verified.

30. In 2015, the country task force documented cross-border violations that resulted in child casualties. In one incident in February, six boys were killed and five maimed by SPLA during an attack on a Misseryia group in Nabag, Abyei Area. In December 2015, three children were killed and maimed in air strikes by the Sudan Armed Forces on Khor Tumbak, Maban county, Unity State, South Sudan.

Darfur

31. In Darfur, 971 children were killed (369) and maimed (602) during the reporting period. From 2012, child casualties increased, with 71 cases in 2011, 119 in 2012, 189 in 2013, 197 in 2014, 196 in 2015 and 199 in 2016. The trend coincided with the launch of Operation Decisive Summer. Attributing responsibility has been challenging, particularly in the light of the lack of access and ongoing hostilities.

32. The majority of child casualties occurred during armed confrontations between government forces and armed groups and as a result of aerial bombardments. Incidents involving unexploded ordnance were also a significant cause of child casualties, with a total of 304 children affected, 84 of whom were killed and 220 maimed. In most instances, unexploded ordnance were found by children, who mistook them for toys or tampered with them. The intensification of tribal clashes also affected children. In addition, allegations were also received of child casualties during aerial bombardment by the Sudan Armed Forces.

C. Rape and other forms of sexual violence

33. The monitoring and reporting of incidents of sexual violence continued to be challenging owing to the sensitivity surrounding the issue and the lack of access. In Darfur, sexual violence remained a serious concern.

Southern Kordofan and Blue Nile States and the Abyei Area

34. During the reporting period, 13 cases of rape of children between the ages of 8 and 17, including one boy, were verified, 8 of which were attributed to the Sudan Armed Forces, 1 to the Popular Defence Forces, 1 to the Rapid Support Forces and 3 to pro-government militias. The case attributed to the Popular Defence Forces occurred in Southern Kordofan State in 2011. Of those attributed to the Sudan Armed Forces and the Rapid Support Forces, six took place in 2015 and three in 2016 in Blue Nile State. For the cases documented in 2015 and 2016, suspected perpetrators were arrested, and five trials were held. Four members of the Sudan Armed Forces were convicted and sentenced to between 1 and 10 years' imprisonment, and dismissed from the army.

Darfur

35. A total of 372 cases of rape of children were verified in Darfur, 59 of which occurred in 2011, 36 in 2012, 62 in 2013, 60 in 2014, 60 in 2015 and 95 in 2016. The majority of the perpetrators could not be identified. In cases in which responsibility could be attributed, perpetrators often belonged to government forces, including the Sudan Armed Forces, the Popular Defence Forces, the Central Reserve Police, the Border Guards, the police and aligned militias, and, from 2014, the Rapid Support Forces. For example, between 2014 and 2016, the country task force was able to attribute 53 cases to government forces, including 29 to the Sudan Armed Forces, 19 to the Rapid Support Forces, 3 to the Central Reserve Police and 2 to the police, and 18 cases to pro-government militias. From 2014, an increasing number of rapes were also perpetrated by members of tribal militias.

36. In most cases, children were raped during attacks on their villages or in the vicinity of camps for internally displaced persons when performing domestic activities, such as fetching water and wood, working on small farms or returning from markets or schools. Victims were often threatened at gun point.

37. Allegations were also received of 200 cases of rape, including of children, by the Sudan Armed Forces in Thabit, North Darfur State, in October 2014. On 9 November 2014, UNAMID conducted a mission to investigate the allegations, but was unable to verify them because security personnel were present during interactions with the community. UNAMID faced restrictions in its effort to access Thabit immediately after the incident and could not confirm the allegations.

38. Only two of the verified cases of rape were attributed to armed groups, one each to SLA/MM, in 2013, and JEM/Peace Wing, in 2015. Given the inability of the country task force to access areas held by armed groups, it is likely that sexual violence perpetrated by armed groups is underreported. The United Nations verified the rape of 12 children by JEM in Unity State, as the group moved to South Sudan. Girl survivors reported that they had been promised money and the opportunity to study abroad, but were forcibly used for sexual purposes by JEM elements.

39. Many victims, family members and witnesses were hesitant to report incidents for fear of stigma and reprisals or owing to mistrust in law enforcement and judicial authorities or, at times, to inaction by the competent authorities. Until the introduction of an amendment to the Criminal Code in 2014, legal provisions could be interpreted in such a way as to allow for the survivor to be accused of adultery, which prevented the reporting of incidents. In cases in which crimes were reported and perpetrators identified, families of victims often settled cases through customary means rather than in court.

D. Attacks on schools and hospitals

Southern Kordofan and Blue Nile States and the Abyei Area

40. Five attacks on schools, including on education personnel, were documented in the Two Areas. Schools were also mostly destroyed or severely damaged as a result of aerial bombardment and shelling by the Sudan Armed Forces on territories held by SPLM-N, mostly in the Nuba mountains. For example, on 28 March 2015, a school was reportedly burned down and supplies looted in the town of Habila, Southern Kordofan State, during clashes between SPLM-N and the Sudan Armed Forces. An incident in April 2015 involved the killing of education personnel by the SPLM-N in Western Kordofan State. In 2016, two reports of attacks on schools as a result of aerial bombardment on the territories held by SPLM-N in Southern Kordofan State were received but could not be verified.

41. Six attacks on hospitals, including two on hospital personnel, were documented in Southern Kordofan and Blue Nile States and the Abyei Area. There were also cases of hospitals being destroyed or severely damaged as a result of aerial bombardment and shelling by the Sudan Armed Forces, mostly in the Nuba mountains. For example, on 20 January 2015, a hospital run by Médecins sans frontières in Farandalla, Buram county, was bombed by the Sudan Armed Forces while patients and medical staff were inside, forcing medical activities to be suspended. The same hospital had already been bombarded on 16 June 2014, injuring six people, including one staff member from Médecins sans frontières, and destroying the hospital emergency room and pharmacy. On 16 February 2015, the medical store of a clinic in Hayban was reportedly damaged in an aerial bombardment. Attacks also occurred during armed clashes between parties to the conflict. For example, during the aforementioned clashes in Habila on 28 March 2015 (see para. 40), a hospital was damaged and supplies looted. The country task force documented one incident in which SPLM-N killed one member of medical staff in Western Kordofan State in April 2015.

42. Three cases involving the military use of schools were also reported. In September 2014, Sudan Armed Forces elements used two schools in Southern Kordofan State as military camps: Gadid basic school in the Abu Jibeha locality and Suq al-Jabal basic school in the Abbasiyya locality. In March 2016, the country task force documented the military use of Murta primary mixed school, near Kadugli, by the National Intelligence Security Services. At the time of writing in December 2016, the school had been turned into a base of the Sudan Armed Forces and the National Intelligence Security Services.

Darfur

43. In Darfur, 46 attacks on schools were documented. Schools were totally or partially destroyed and looted in aerial bombardment and during armed clashes between parties to the conflict. The number of schools attacked increased, with 3 in 2013, 10 in 2014, 13 in 2015 and 20 in 2016. Of the 46 documented attacks, 39 were allegedly perpetrated by government forces, including the Central Reserve Police, the Rapid Support Forces and the Sudan Armed Forces, and by pro-government militias. For example, in March 2016, schools were destroyed in an aerial bombardment over Jebel Marra. Schools were also damaged during hostilities between government forces and armed groups. For example, the country task force documented an incident in which two schools were reportedly looted and burned in February 2014, following fighting between the Rapid Support Forces and SLA/MM in Umgonia village, South Darfur State. In January 2015, the Rapid Support Forces attacked villages around eastern Jebel Marra and looted six schools, including in

Ana Bagi, Bombay Sejeeli and Umm Arda. Schools were affected by tribal violence that intensified in Darfur over the reporting period. For example, in 2015, one school in East Darfur State was destroyed during the conflict between the Rizeigat and Habania tribes. On 13 September 2014, the Bellisrif basic school in eastern Jebel Marra was partially burned down during a clash between nomads and farmers.

44. A total of 16 hospitals and clinics were attacked, destroyed or looted, 8 in 2014, 2 in 2015 and 6 in 2016. In one instance, in February 2014, a clinic operated by an international non-governmental organization in Umgonia was ransacked and burned down during fighting between the Rapid Support Forces and SLA/MM. In March 2014, a hospital in Saraf Omra, North Darfur State, was looted by militias during an attack on the town. In January 2015, the burning of Hashabah clinic in the Mellit locality, North Darfur State, during an attack on the village, allegedly by the Rapid Support Forces, was documented. Most attacks in 2016 resulted from aerial bombardment in Jebel Marra.

45. The military use of five schools by the Sudan Armed Forces was documented. For example, three basic schools in Boldong, Toromowra and Fanga Shamal, Central Darfur State, were reportedly used in 2016, and, as at December 2016, two of them were still reportedly being used for military purposes.

E. Abduction

46. The country task force documented the abduction of 66 children during the reporting period, 3 of whom were abducted in the Two Areas, 7 in the Abyei Area and 56 in Darfur. Abduction was committed mostly for the purpose of recruitment, and abducted children were frequently used to perform support functions and domestic chores. Girls were reportedly often sexually abused.

Southern Kordofan and Blue Nile States and the Abyei Area

47. Seven children from the Ngok Dinka community in the Abyei Area were abducted by Misseryia militiamen. Five of them were abducted in January and March 2015 during deadly attacks on the villages of Mantenten and Marial Achak by Misseryia militiamen. The remaining two were abducted in 2016. All seven children were released and reunited with their families following interventions by the United Nations Interim Security Force for the Abyei Area.

48. In 2015, three children were abducted by SPLM-N, including two from refugee settlements in Unity State, South Sudan.

Darfur

49. The country task force documented the abduction of 56 children between the ages of 8 and 17 in Darfur, 1 of whom was abducted in 2011, 6 in 2012, 15 in 2013, 13 in 2014 and 21 in 2016. Of those abductions, 26 were attributed to the Sudan Armed Forces, the Rapid Support Forces and pro-government militias, 3 to JEM, 1 to SLA/AW and 26 to unidentified armed elements.

50. As mentioned in section A, some of the 21 children released from National Intelligence Security Services detention reported to my Special Representative for Children and Armed Conflict that they had been abducted by JEM in Southern Kordofan State and South Sudan, from their homes or while they were performing domestic chores.

F. Denial of humanitarian access

51. Humanitarian access to conflict-affected areas in Darfur, Southern Kordofan and Blue Nile States, and the Abyei Area remained severely constrained owing to ongoing hostilities, insecurity and Government-imposed restrictions. Significant access challenges included disputes over needs assessments, operational mobility and freedom of movement, interference with programme administration and implementation, the impact of ongoing conflict and hostilities, incidents of violence and intimidation, and physical access difficulties.

52. In Southern Kordofan and Blue Nile States, the United Nations had limited or no access to areas controlled by SPLM-N from the outbreak of conflict in 2011. Access negotiations were not successful, which affected the delivery of assistance to children. For example, from 2012, the Government and SPLM-N failed to reach an agreement on facilitating the vaccination of children in areas held by SPLM-N. As a result, at least 165,000 children could not receive polio vaccinations, and 575,000 children were denied routine immunization. In addition, attacks against humanitarian aid workers were of particular concern. In one incident in February 2015, three staff members of the Sudanese Red Crescent Society, who were monitoring food distribution in the Kurmuk locality, Blue Nile State, were killed, and another was injured by unidentified armed men.

53. Humanitarian access also continued to be hampered in areas of Darfur owing to ongoing hostilities and restrictions and bureaucratic impediments imposed by the Government, often on security grounds. In particular, access to areas not under the control of the Government, such as Jebel Marra, remained extremely limited, which had a detrimental effect on children in need of assistance. In 2016, humanitarian access was denied in 14 documented cases. For example, in May, military intelligence denied clearance to a United Nations humanitarian assessment team to Anka, Um Rai and Biridik. Nonetheless, it should be noted that, at the time of writing in December 2016, UNAMID was able to access some key conflict-affected locations, such as Fanga Suk, Rockero and Golo.

54. Attacks against humanitarian facilities and personnel by unidentified armed men were another source of major concern. For example, in November 2013, two members of staff of the State Ministry of Health and their driver, who were on mission as part of a measles vaccination campaign, were shot dead by unidentified armed men in Gokar village, Habila locality, West Darfur State. The vaccination campaign was suspended following the incident. Similarly, several missions by humanitarian actors to assess the needs of newly displaced populations and provide emergency supplies for children could not take place because of restrictions imposed by the Government.

IV. Progress made by the parties to the conflict in and measures adopted by national authorities for addressing grave violations against children

A. Progress made on the national framework for the protection of children

55. On 21 July 2013, the Government enacted a law raising the age of recruitment into the Popular Defence Forces to 18 years, thus repealing the Popular Defence Forces Act of 1989, which allowed recruitment from the age of 16 years. The law also established 18 years as the minimum age for entry into the national reserve

service and the national service. These important developments complemented the already existing Sudan Armed Forces Act of 2007, the Police Act of 2008, the Criminal Code of 2008 and the Child Act of 2010, which prohibited and outlined sanctions for underage recruitment. The Criminal Code further criminalized the recruitment of children into the Sudan Armed Forces and stipulated that children associated with armed forces and groups should be treated primarily as victims, in line with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Sudan. The Criminal Code also criminalized offences relating to sexual violence and specifies the sentences for the use of coercion or violence in acts of a sexual nature.[1] Moreover, in 2014, the Criminal Code was amended to differentiate rape from adultery, and, in 2016, the Ministry of Justice issued a circular reiterating the amendment and emphasizing reparations for victims of sexual violence.

56. In January 2012, the National Human Rights Commission was established, including a specific unit to support court hearings related to children. Subsequently, an office opened in North Darfur State to cover all five Darfur States. A national coordination mechanism for family and child protection units of the national police was also created by decree in January 2012, with the aim of enhancing capacity and providing technical, logistical and financial support to the units. The units proved to be instrumental in the investigations of grave violations affecting children, in particular sexual violence, and have provided legal and psychosocial support to underage victims and their families.

57. During the reporting period, the country task force witnessed efforts by the Government to improve accountability for grave violations against children. A number of perpetrators from the security forces suspected of killing, maiming and committing sexual violence against children were arrested, some of whom were prosecuted and convicted. For example, in December 2014, a policeman was sentenced to 20 years' imprisonment for the rape of a 6-year-old girl in Central Darfur State. A number of additional steps were taken to combat sexual violence. Between October 2015 and June 2016, a special prosecutor for violence against women was appointed in North Darfur State, and 20 prosecutors were deployed across Darfur to improve access to justice. However, some of them had to work from headquarters owing to the lack of adequate resources and the volatile situation in their areas of deployment (see A/HRC/33/65). In spite of such encouraging developments, a large number of alleged perpetrators were not brought to justice, and efforts need to be sustained to address impunity (see A/HRC/33/65).

B. Programmatic support to national institutions

58. The collaboration between the Government and the country task force continued to strengthen child protection systems. Capacity-building activities and training were conducted for security forces and government officials, including line ministries, the judiciary, family and child protection units and social services, to raise awareness of the Child Act of 2010 and the responsibilities of the Government in protecting children. Child protection was also integrated into the curricula of the police and judicial training institutes of the Sudan. In Darfur, UNAMID held awareness-raising sessions with government forces, the Darfur Regional Authority, native administration and state ministries.

V. Status of reintegration of children formerly associated with armed forces and groups

59. Between April and July 2011, 378 boys were released from SPLA, which at that time was an armed group, and registered with the National Disarmament, Demobilization and Reintegration Commission of the Sudan. They were provided with reintegration support. Furthermore, 29 boys who escaped from SPLM-N in Southern Kordofan State in 2012 were successfully reunited with their families. During the period under review, in Darfur, 308 children were released from armed groups that signed the Doha Document and registered with the National Disarmament, Demobilization and Reintegration Commission.

60. As mentioned in sections A and E, the 21 children detained by the National Intelligence Security Services and released following advocacy by the United Nations were handed over to national child protection actors on 22 September 2016. The United Nations Children's Fund (UNICEF) provided support for family tracing and reintegration. The children were also granted a presidential pardon. As at December 2016, all but one, a South Sudanese child, had been reunited with their families.

VI. Progress on dialogue and an action plan with the Government of the Sudan

61. On 27 March 2016, the Government of the Sudan signed an action plan with the United Nations for the protection of children from violations in armed conflict, by which it committed to end and prevent the recruitment and use of children by its armed and security forces. The signature thereof took place under the auspices of the Minister for Foreign Affairs and was witnessed by my Special Representative for Children and Armed Conflict. Although the Government of the Sudan does not have a policy to recruit children into its security forces, it committed to take specific steps to strengthen prevention and promptly investigate allegations. It also committed to release immediately anyone identified in its armed and security forces as being underage. Implementation mechanisms were put in place, including a high-level ministerial committee established by presidential decree in May 2016 to oversee the implementation of the action plan. The committee complemented the work of the existing technical committee led by the National Council for Child Welfare. The President approved a circular to all ministries to support the implementation of the action plan, and an operational plan was adopted. Instructions were given to the governors of conflict-affected States to provide their support to the implementation thereof. Command orders were issued by the Sudan Armed Forces and the police. The committee met regularly and, in June 2016, organized a workshop with all actors involved to develop benchmarks for measuring progress in the implementation of the action plan and to outline the responsibilities of all institutions concerned. In September 2016, the Government informed the United Nations that a focal point at the level of Inspector General had been appointed to facilitate discussions on access.

62. Although the Government demonstrated firm political commitment to the action plan, its success will be measured in the implementation thereof. In that regard, there are key challenges to overcome, such as access to conflict-affected areas for the purposes of monitoring and verifying violations and assessing progress towards compliance. In addition, loopholes that have allowed children to be recruited or used should be addressed. For example, the level of birth registration in Darfur and Southern Kordofan and Blue Nile States, which is the lowest in the

country, can make children vulnerable to recruitment. Despite the criminalization of child recruitment, information was received about the falsification of identification documents during recruitment campaigns by the Sudan Armed Forces and other government forces. In the context of the implementation of the action plan, I hope that the Government will consider strengthening birth registration in the conflict-affected States and establishing age verification mechanisms in the recruitment process as priorities for preventing the recruitment and use of children. These issues were raised by my Special Representative for Children and Armed Conflict during her visit to the Sudan in March 2016.

VII. Progress on dialogue with armed groups

Southern Kordofan and Blue Nile States and the Abyei Area

63. Meetings were held with the leadership of SPLM-N, three of which involved my Special Representative on Children and Armed Conflict and were held in September 2012 and in May and November 2016. Following continued engagement by UNICEF and the Office of my Special Representative, on 23 November 2016, SPLM-N signed an action plan to end the recruitment and use of children and committed to facilitate access to children in areas under its control. In December 2016, the group established an implementation mechanism.

Darfur

64. Following engagement by UNAMID, a number of commitments for the release of children were made by several armed groups that have since ceased to exist. For example, in April 2011, JEM/Peace Wing participated in a Government-sponsored demobilization exercise in El Geneina, during which children were identified and registered with the National Disarmament, Demobilization and Reintegration Commission. In September 2011, SLA-Mother Wing (Abu Gasim) and SLA-Historical Leadership registered 250 children and 74 children, respectively, with the National Disarmament, Demobilization and Reintegration Commission.

65. Ongoing dialogue between JEM and UNAMID resulted in consultations taking place in Austria in July 2012, following which the group issued a command order prohibiting the recruitment and use of children. In September 2012, JEM signed an action plan to end underage recruitment and use. A follow-up committee was later established and tasked with the implementation of the action plan. In February 2013, JEM confirmed that a verification exercise to identify children within its ranks had been completed in the areas of eastern Jebel Marra and the borders with South Sudan and Southern Kordofan State, resulting in the separation of 10 children who were subsequently reintegrated into their communities. Renewed command orders were issued in September 2015 and January 2017. Nevertheless, there have been concerns about reports of the continued recruitment and use of children and other grave violations by JEM in Southern Kordofan State and South Sudan, as highlighted in the present report. These issues were raised with the leader of JEM by my Special Representative for Children and Armed Conflict in a meeting in Geneva in November 2016.

66. UNAMID met with the Chair of SLA/AW in Kampala in November 2012 to follow up on earlier visits to the localities controlled by SLA/AW in Jebel Marra. The meeting resulted in the issuance of a command order prohibiting the recruitment and use of children. Although engagement with SLA/AW has continued, the lack of access to Jebel Marra has prevented such dialogue from bearing fruit.

67. In 2007, SLA/MM signed an action plan with the United Nations. It was not, however, until December 2013 that a command order prohibiting the recruitment and use of children was issued by its leadership and until August 2014 that an operational mechanism was established to implement the command order.

68. In May 2015, my Special Representative for Children and Armed Conflict participated in consultations with the leadership of JEM, SLA/AW and SLA/MM, which were held in Austria and organized by UNAMID under the auspices of the Austrian Study Centre for Peace and Conflict Resolution. The three leaders reiterated earlier commitments and signed a joint statement on the situation of children in Darfur, in which they accepted responsibility for the protection of children and pledged to end and prevent grave violations against them.

VIII. Advocacy and protection response

69. In Darfur, following dialogue between UNAMID and the leadership of the nomadic communities and the Mohameed tribe, Sheikh Musa Hilal issued a command order in July 2013 prohibiting the recruitment and use of children by members of those communities. UNAMID supported the dissemination of the command order. In October 2014, Sheikh Musa Hilal initiated a community-based strategic plan to end the use of children in tribal clashes in North Darfur State, which was endorsed by the leaders of several tribes, including Abala, Beni Hussein, Fur, Tama, Gimir and Awlad. UNAMID has not documented any cases of the use of children in tribal clashes in the area since.

70. In November 2014, UNAMID, in partnership with UNICEF and the National Disarmament, Demobilization and Reintegration Commission, launched a Darfur-wide campaign entitled "No Child Soldier — Protect Darfur" in the village of Masseriah, North Darfur State. Masseriah was chosen for the launch following a surge in tribal clashes in North Darfur State, during which children were used to fight.

71. As mentioned earlier, my Special Representative for Children and Armed Conflict visited the Sudan in March 2016 to witness the signature of the action plan and engage with national authorities on its implementation and other child protection issues (see para. 61). Although she witnessed political commitment to the action plan in her interactions with senior government officials, she emphasized that access for the United Nations to conflict-affected areas and populations would be a critical ingredient for success. She also advocated greater efforts to hold perpetrators of grave violations against children accountable, stressing that the national legal framework was in place and that international human rights instruments had been ratified by the Sudan.

IX. Observations and recommendations

72. I condemn the continuing grave violations committed against children in armed conflict in the Sudan, in particular killing and maiming, sexual violence and attacks on schools and hospitals. I am concerned by reports of grave violations committed by Sudanese armed groups in South Sudan, in particular the recruitment and use of children by JEM. I call upon all parties to the conflict in the Sudan to urgently end and prevent grave violations against children and to abide by their obligations under international human rights and humanitarian law.

73. I am concerned that access by the United Nations to vulnerable populations, including children in Darfur and Southern Kordofan and Blue Nile States continues

to be a challenge. It is deplorable that children living in conflict-affected areas are deprived of basic humanitarian assistance, including routine vaccinations. I urge the Government of the Sudan and the armed groups to ensure safe, rapid and unimpeded humanitarian access for the United Nations and its partners to conflict-affected children.

74. I welcome the steps taken by the Government to strengthen the protection of children affected by armed conflict, in particular through the strengthening of its national legal framework and the signing of an action plan aimed at ending and preventing the recruitment and use of children by its security forces in March 2016. I encourage the Government to continue such efforts and to expedite the implementation of the action plan. In that regard, I urge the Government to grant access to the United Nations for the purpose of monitoring progress in the implementation thereof.

75. I am encouraged by the measures adopted to improve efforts to hold perpetrators of grave violations against children, in particular sexual violence, accountable. In that regard, I call upon the Government to continue its efforts to address impunity by strengthening the justice system, swiftly bringing perpetrators to justice and ensuring that all victims have access to justice and the medical and support services that they need.

76. I encourage the Government to identify gaps that have allowed children to be recruited and used in its forces, including through the establishment of strong age verification mechanisms. I urge the Government to consider strengthening birth registration in the conflict-affected States and establishing age verification mechanisms in the recruitment process as priorities for preventing the recruitment and use of children. These issues were raised by my Special Representative for Children and Armed Conflict during her visit to the Sudan in March 2016.

77. I welcome the release by the Government of the 21 children who had been detained for over a year by the National Intelligence Security Services for their association with JEM, their handover to child protection actors and the reunion of most them with their families. I encourage the Government and the United Nations to continue supporting the reintegration of those children until their successful return to civilian life.

78. I welcome the continued engagement of JEM, SLA/MM and SLA/AW with the United Nations to end and prevent grave violations against children, and I urge them to abide by their commitments. I also urge JEM and SLA/MM to take all necessary steps to fully implement the action plans. With regard to SLA/AW, I encourage the leadership to continue the dialogue with the United Nations and to adopt an action plan to end the recruitment and use of children.

79. I welcome the signing of an action plan by SPLM-N in November 2016 to end and prevent child recruitment, as well as the group's commitment to facilitate access for the United Nations to areas under its control. I urge the leadership of SPLM-N to translate its commitments into action by fully implementing its action plan. In addition, I urge the Government of the Sudan and SPLM-N to facilitate access to the areas held by SPLM-N for the purpose of delivering assistance to children, verifying allegations of violations and monitoring progress in the implementation of the action plan. I encourage the donor community to support the implementation of all action plans, including through the provision of financial resources to United Nations agencies, funds and programmes and of services to victims of grave violations.